IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 1481 of 2004(B)

PETITIONER:

T.N.SIVADASAN, S/O.NARAYANAN,
MEGHALAYA HOUSE, KANNAIPARA, BEKUR POST
671 322(RTD.LINEMAN GR.I, ELECTRICAL SECTION,
K.S.E.BOARD, KUMBLA, KASARAGOD).

BY ADV. SMT.T.D.RAJALAKSHMI

RESPONDENTS:
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1. KERALA STATE ELECTRICITY BOARD,
VAIDYUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM REP. BY ITS SECRETARY.

2. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, K.S.E.BOARD,
KASARAGOD.

3. THE EXEUTIVE ENGINEER,
ELECTRICAL DIVISION,
KASARAGOD.

BY ADV. SRI.K.S.ANIL, SC, KSEB
SRI.C.K.KARUNAKARAN SC. KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.1481/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE SHOW – CAUSE NOTICE ISSUED BY THE 3RD RESPONDENT PROPOSING TO IMPOSE PUNISHMENT DT. 2.5.03 AND THE ENQUIRY REPORT DT. 21.03.

EXT.P2:- COPY OF THE ORDER NO.GB1/AA/KSD/2001-04/83 DT. 29.8.03 PASSED BY THE 3RD RESPONDENT.

EXT.P3:- COPY OF THE APPEAL FILED BEFORE THE 2ND RESPONDENT DT. 21.9.03.

EXT.P4:- COPY OF THE ORDER NO.GB1/DA/KSD01-02/292 DT. 22.12.03 PASSED BY THE 2ND RESPONDENT.

/TRUE COPY/

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KURIAN JOSEPH J.

W.P.(C) No.1481 of 2004

Dated 13th June, 2007.

J U D G M E N T

The simple question raised in this writ petition is whether there can be punishment after the retirement of an employee. Learned counsel for the respondent Board submits that the punishment of barring of one increment is imposed, based on a disciplinary action initiated prior to the retirement. Even if the action is initiated prior to the retirement, there can be no punishment after the retirement since the employer-employee relationship had already been severed. The only permissible action is to recover loss if any, owing to the wrong conduct of the employee. That is not what is done in this case. The impugned orders are hence quashed. The amounts, if any withheld shall be disbursed within two months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 2003

J U D G M E N T

Dated 13th June, 2007.